

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 9, 2004**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 1012 Dearing Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 1012 Dearing Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owners.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 1012 Dearing Street, parcel 022-09-017 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 1012 Dearing Street; (iv) that the owner of 1012 Dearing Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 1012 Dearing Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 1012 Dearing Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 1012 Dearing Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 1012 Dearing Street.

Adopted:

Certified:

Clerk of Council

010P



LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN
Executive Director

January 23, 2004

Mrs. Patricia W. Kost
Clerk of City Council
P.O. Box 60
Lynchburg, Virginia 24505

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted property located at 1012 Dearing Street, parcel 022-09-017. The City's Community Development staff has received complaints about this property, and it has been cited by the city's inspections department for code violations. It was condemned and determined unsafe for human habitation by the inspections department staff March 26, 2001. Our staff has also inspected this property noting code violations and deficiencies resulting in its blighted condition. Efforts to notify the owner by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia were unsuccessful. It is our understanding that the owner is deceased, and the Authority's legal counsel was unable to identify any heirs. In addition, taxes have not been paid on this property since 1999. Authority staff became aware of this property last January and, it has continued to deteriorate.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire this property pursuant to the above referenced code. Enclosed is a photocopy of the resolution adopted by the Commissioners of the Authority, a proposed resolution for City Council's consideration, the notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

enclosures

cc: Karl Cooler, Building Official
Bob Drane, Senior Building Inspector

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 1012 Dearing Street, Parcel 022-09-017, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 1012 Dearing Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 1012 Dearing Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN
Executive Director

January 2, 2004

Certified Mail - Return Receipt Requested

Mike N. Rayceovich
375 Kentmoor Farm Road
Madison Heights, Virginia 24572

Re: Parcel 022-09-017(old #)
1012 Dearing Street
Lynchburg, Virginia

Dear Mr. Rayceovich:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated, that are likely to continue to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on January 8, 2003, and more recently on November 4, 2003, and found the following conditions:

1. Condemned and determined unfit for occupancy by city's inspections department on March 26, 2001.
2. Roof deteriorated.
3. Sections of gutters and downspouts missing.
4. Front porch roof deteriorated.
5. Peeling paint on entire structure.
6. Soffits and fascia deteriorated.
7. Rear porch deck deteriorated.
8. Windows deteriorated.
9. Railing missing at side porch and steps deteriorated.
10. Debris on front porch.

Mr. Rayevich
January 2, 2004
Page 2

We are requesting that these deficiencies and any other non-compliance with the local building code be corrected within sixty (60) days of receipt of this notice, pursuant to Section 36-19.5 of the Code of Virginia. If these corrections are not completed within that time, the Authority Commissioners may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development and redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavely of our staff at (434) 845-9011 if you wish to discuss this.

Very truly yours,

Edward H. McLean

1012 Dearing Street

Date of pictures: January 16, 2004



Property Address: 1012 Dearing Street

Owner's Name: Mike N. Raycovich

Owner's Address: 375 Kentmoor Farm Road, Madison Heights, VA 24572

Parcel No.: 022-09-017

Assessed Value: Land - \$ 3,600 Improvement - \$ 1,500 Total - \$ 5,100



Date of Pictures: January 8, 2003

Deficiencies:

- Roof deteriorated
- Chimney deteriorated
- Sections of gutters and downspouts missing
- Front porch roof deteriorated
- Peeling paint entire structure
- Soffit and fascia deteriorated
- Rear porch deck deteriorated
- Windows deteriorated
- Railing missing at side porch
- Steps on side porch deteriorated
- Condemned 3/26/01 by Bob Drane
- Debris on front porch